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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/521,522 03/08/00 COX

D 1331R

EXAMINER

TM02/0628

J E MCTAGGART  
1960 EASTMAN AVENUE  
SUITE 105  
VENTURA CA 93003

NLS

ART UNIT

PAPER NUMBER

2643

DATE MAILED:

06/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/521,522

Applicant(s)

David H. Cox et al.

Examiner

Suhan Ni

Group Art Unit  
2643



☒ Responsive to communication(s) filed on Mar 8, 2000

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-8 is/are pending in the application

Of the above, claim(s) 1-5 is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 6-8 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2643

### **DETAILED ACTION**

1. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group **Art Unit 2643**.

### ***Election/Restriction***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to the manufacturing of a speaker, classified in class 29, subclass 505.
- II. Claims 6-8, drawn to the structures/structural elements for the speaker, classified in class 381, subclass 353.

3. The inventions are distinct, each from the other because of the following reason:

Inventions Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process can be performed by a different means such as providing the acoustic panel with molding and sound-damping material for other acoustic insulation applications.

4. Because these inventions are distinct for the reasons giving above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper.

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5. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 C.F.R. 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 C.F.R. 1.48(b) and by the fee required under 37 C.F.R. 1.17(I).

7. During a telephone conversation with Mr. J. E. McTaggart on June 22, 2001, a provisional election was made with traverse to prosecute the invention of Group II, claims 6-8. Group I, Claims 1-5 are withdrawn from further consideration by the examiner, 37 C.F.R. 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ritto et al. (US-5,519,178).

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Regarding claim 6, Ritto et al. disclose a loudspeaker component comprising: a first surface layer (120,122) of molding material made to have a predetermined boundary outline; a core layer (126) of sound-damping material made to have a predetermined outline smaller than that of said first layer so as to form a peripheral margin of molding material; and a second surface layer (130) of molding material, having an outline similar to that of said first layer and located in substantial registration therewith, bonded to said first layer in the peripheral margin so as to form a sealing core region containing said core layer (Fig. 2).

Regarding claim 7, Ritto et al. further disclose the loudspeaker component, wherein the molding material is a commercially available thermosetting resin (col. 4, lines 41-55) with fiberglass (col. 5, lines 40-43) reinforcement.

9. Claims 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwata et al. (US-4,807,294).

Regarding claim 6, Iwata et al. disclose a loudspeaker component comprising: a first surface layer (2) of molding material made to have a predetermined boundary outline; a core layer (3, 13) of sound-damping material (8) made to have a predetermined outline smaller than that of said first layer so as to form a peripheral margin of molding material; and a second surface layer (2) of molding material, having an outline similar to that of said first layer and located in substantial registration therewith, bonded to said first layer in the peripheral margin so as to form a sealing core region containing said core layer (Figs 1 and 3B).

Regarding claim 8, Iwata et al. further disclose the loudspeaker component wherein said

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core material is selected from a group of sound-damping materials including a filled vinyl copolymer compound (col. 4, lines 24-25) and a filled silicon rubber compound (8).

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is (703)-308-9322, and the number for fax machine is (703)-305-9508. If it is necessary, the examiner's supervisor, **Curtis Kuntz**, can be reached at (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

  
**CURTIS KUNTZ**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

June 24, 2001